

Application #09/993,899
Amendment dated December 27, 2005

Remarks:

In the Office Action mailed on August 24, 2005, the Examiner objected to the specification for lack of a summary section. Applicant adds the requested section herein. Examiner rejected claims 1-27. Claims 1, 10, and 19 are amended herein. Minor typo-graphic errors were corrected in Claim 15 and Claim 27. Claims 1-27 are pending in the application.

35 USC 103(a)

Claims 1-27 were rejected under 35 USC 103(a) as being unpatentable as obvious over Teppler, US Patent No. 6,792,536 and further in view of Chandерsekaran et al (US Patent No. 6,335,972, herein after Chandерsekaran). Applicants respectfully traverse.

The Examiner has failed to establish a *prima facie* case of obviousness. "To establish a *prima facie* case of obviousness, three basic criteria must be met ... [including that] the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP 2143. The Examiner has failed to meet this burden.

(Applicants reserve the right to in future response argue that there is no motivation to combine Teppler and Chandерsekaran and that there would not be a reasonable expectation for success in doing so.)

The prior art references must teach or suggest all the limitations of the claimed invention. As the Examiner has noted "Teppler does not disclose creating a supplemental aspect of the cryptographic material by a supplemental method for the first cryptographic API, wherein the supplemental aspect includes information for rendering of the

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cryptographic material compatible with a second cryptographic-related API so that the cryptographic material is accessible for a second application by the second Cryptographic-related API." (Office Action, page 2, Section II, Line 8-12). Chanderasekaran also fails to teach as suggested "the supplemental aspect to include information for rendering the cryptographic material compatible with a second Cryptographic-related API so that the cryptographic material is accessible for a second application by the second Cryptographic-related API." (Office Action, page 3, line 2-5). The Examiner asserts that "Chandrasekaran et al. teach a key recovery API in order to gain access to the cryptographic material if necessary." (Office Action, Page 2, Section II, Line 12-13, and Page 3, Line 1). This is not equivalent of the limitations of Claim 1 as amended.

As amended, Claim 1 recites that the first and second Cryptographic-related APIs are associated with different cryptographic standards. The inter-operable key recovery system of Chandrasekaran is not equivalent thereto. There is no indication in Chandrasekaran (col. 13, lines 21-43) that suggests that the key recovery interoperability is associated with two distinct cryptography standards. Thus, interoperability of Chandrasekaran cannot be considered a teaching of "creating a supplemental aspect of the cryptographic material by a supplemental method for the first cryptographic API associated with a first cryptographic standard, wherein the supplemental aspect includes information for rendering the cryptographic material compatible with a second Cryptographic-related API associated with a second cryptographic standard" as recited in the amended Claim 1.

Furthermore, Chandrasekaran deals with key recovery system and the present application deals with cryptographic material created by a crypto API. Thus, even if, for the sake of argument, Chandrasekaran

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teaches key recovery that applies to two distinct cryptography systems, that still does not meet the limitation of "creating cryptographic material... and creating a supplemental aspect of the cryptographic material" because key recovery information and cryptographic material created by a first Cryptographic-related API are not the same.

Furthermore, Chandrasekaran does not teach how to accomplish key-recovery product interoperability. There is no indication in Chandrasekaran that information generated using one key-recovery product includes "creating a supplemental aspect of the cryptographic material by a supplemental method for the first cryptographic API" (Claim 1). Thus, even if key-recovery system of Chandrasekaran is combined with Teppler's teaching of cryptography, one would not have a system that includes "creating a supplemental aspect of the cryptographic material by a supplemental method for the first cryptographic API associated with a first cryptographic standard, wherein the supplemental aspect includes information for rendering the cryptographic material compatible with a second Cryptographic-related API associated with a second cryptographic standard so that the cryptographic material is accessible for a second application by the second Cryptographic-related API" (Amended Claim 1).

For the foregoing reasons, Teppler and Chandrasekaran, taken singly or in combination, fail to teach or suggest the claimed invention.

Accordingly, for any of the foregoing reasons, the Examiner has failed to meet the criteria for establishing a *prima facie* case for the assertion that Claim 1 is obvious over Teppler in view of Chandrasekaran. "If the examination at the initial stage does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of the patent." In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444

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(Fed. Cir. 1992), *quoted in* In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, Applicants respectfully request allowance of Claim 1.

Claim 10 and Claim 19 recite analogous limitations to those set forth in Claim 1 and are, therefore, also not obvious for the same reasons given in support of Claim 1.

Claims 2 through 9 depend from Claim 1, Claims 11 through 18 depend from Claim 10 and Claims 20 through 27 depend from Claim 19. These claims incorporate all the limitations of their respective base claims and provide further unique and non-obvious combinations. Therefore, Claims 2 through 9, Claims 11 through 18 and Claims 20 through 27 are patentable over Teppler and Chandrasekaran, at least for the reasons given in support of Claims 1, 10 and 19, and also by virtue of such further combinations.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

CONCLUSION


It is submitted that all of the claims now in the application are allowable. Applicants respectfully request consideration of the application and claims and its early allowance. If the Examiner believes that the prosecution of the application would be facilitated by a telephonic interview, Applicants invite the Examiner to contact the undersigned at the number given below.

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Applicants respectfully request that a timely Notice of Allowance be issued in this application.

Respectfully submitted,

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